

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Catherine B. Mercier,

Civil No. 10-3270 (RHK/JJK)

Plaintiff,

ORDER

v.

Michael J. Astrue, Commissioner of Social
Security,

Defendant.

Plaintiff in this case having filed a Motion to Dismiss without Prejudice with the Court on February 22, 2011, **IT IS ORDERED** that Plaintiff's Motion (Doc. No. 12) is **GRANTED** and this action is **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 41(a)(2); Plaintiff's Motion to Dismiss or Alternatively for Summary Judgment (Doc. No. 7) is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 1, 2011

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge